

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

(1) JOHN HARDMAN)	
)	
Plaintiff,)	
)	
vs.)	Case No. 22-cv-00479-GKF-JFJ
)	
(1) BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF TULSA, a public housing authority,)	
)	
Defendant.)	

COMPLAINT

Comes Plaintiff John Hardman (“Hardman”) brings this suit against the Board of Commissioners of the Housing Authority of Tulsa, a public housing authority created by the Oklahoma Housing Authorities Act, 63 O.S. § 1061, *et seq.*, (“THA”) for unlawful employment actions pursuant to the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. § 621, *et seq.* and race discrimination in violation of Title VII of the Civil Rights Act, as amended. Plaintiff would show the court as follows:

I. JURISDICTION

1. This Court has jurisdiction and venue over Plaintiff’s claims.
2. The actions giving rise to this Complaint occurred in Tulsa County, Oklahoma.

II. NATURE OF PROCEEDING

3. This is a proceeding for back pay; emotional damages; reinstatement or front pay in lieu of reinstatement; liquidated damages, the value of all employee benefits; pre-judgment interest; attorney fees and costs; and for such additional damages as may be necessary to effectuate

the purposes of the ADEA.

III. THE PARTIES

4. At all relevant times at issue in this lawsuit, Plaintiff was a resident of Tulsa County, Oklahoma; was employed by THA in Tulsa, Tulsa County, Oklahoma; and was over the age of forty (date of birth: 1957).
5. THA is a public housing authority created pursuant to the Oklahoma Housing Aurtheries Act, doing business in Tulsa, Tulsa County, Oklahoma.

IV. FACTUAL BASIS OF PLAINTIFF'S CLAIMS

6. Plaintiff, an African-American male born in 1957 and therefore over the age of forty (40), was employed by THA as a Maintenance Electrician on October 6, 2016.
7. Plaintiff was terminated by THA on May 14, 2021.
8. THA decided to eliminate the Technical Crew of which Hardman was employed in the first quarter of 2021. The Technical Crew consisted of seven (7) specialized maintenance employees who performed specific licensed trade type tasks such as plumbing, carpentry, heating and air conditioning maintenance and repair, electrical work and similar tasks. There were two electricians on the Technical Crew - Hardman and Aaron Thomas ("Thomas").
9. Six (6) of the seven (7) Technical Crew positions were transitioned to the Unit Turn Crew. Upon information and belief, all Technical Crew employees had to interview in order to receive a position in the Unit Turn Crew.
10. In April of 2021, Hardman and Thomas were both interviewed for the position of Electrician for the Unit Turn Crew. According to THA, Thomas scored higher than Hardman and was therefore offered the position. According to THA, Hardman refused during his interview to

allow THA to continue to use his contractor's license as an Electrician with the City of Tulsa for THA projects if he received the Electrician position with the Unit Turn Crew.

11. Thomas was born in 1971, making him thirteen (13) years younger than Hardman.
12. Thomas is a Caucasian male.
13. On May 3, 2021, THA offered Hardman the Senior Maintenance Technician position at one of the THA housing sites, but he refused this position because it was a reduction in pay and it required Hardman to engage in activities, such as moving furniture and cleaning vacated apartments, which were physically challenging to him.
14. On May 14, 2021, THA terminated Hardman's employment.
15. Upon information and belief, Plaintiff was the oldest employee laid off by THA.

V. PLAINTIFF'S CLAIMS

Count One: Age Discrimination in Employment Act

16. Plaintiff realleges the allegations in paragraphs 1-15 above.
17. Plaintiff was over the age of forty (DOB: 1957) at the time of his termination of employment.
18. Because of his age, Plaintiff was a member of a protected class.
19. Plaintiff was qualified for his position with THA.
20. Plaintiff was not chosen for the position of Electrician on the Unit Turn Crew in part because of his age.
21. An individual younger than Plaintiff was chosen for the position of Electrician on the Unit Turn Crew.
22. In discharging Plaintiff in part because of his age, THA is in violation of 29 U.S.C. § 623(a).

Count Two: Race Discrimination in Violation of Title VII of the Civil Rights Act

23. Plaintiff realleges the allegations in paragraphs 1-22 above.
24. Plaintiff is an African-American male.
25. Because of his race, Plaintiff was a member of a protected class.
26. Plaintiff was qualified for his position with THA.
27. Plaintiff was not chosen for the position of Electrician on the Unit Turn Crew in part because of his age.
28. A Caucasian male was chosen for the position of Electrician on the Unit Turn Crew.
29. In discharging Plaintiff in part because of his race, THA is in violation of Title VII of the Civil Rights Act.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays as follows:

- a. That Plaintiff be awarded back pay and all lost benefits of employment;
- b. That Plaintiff be awarded damages to compensate him for emotional distress, grief and anguish caused by THA's discriminatory actions;
- c. That the Court issue an injunction requiring THA to re-employ Plaintiff at an equivalent job with all employment rights and benefits to which he would be entitled but for his discharge, and without harassment or illegal conditions imposed on his job, or, in the alternative, front pay and benefits in lieu of reinstatement;
- d. That Plaintiff be awarded pre-judgment interest;
- e. That Plaintiff be awarded attorney fees and costs, and such other and further relief as the Court deems proper; and

- f. That a jury try all claims and issues triable by a jury.

Respectfully submitted,

s/ Jean Walpole Coulter

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